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PROGRESS OF EVENTS IN CANADA.

FROM THE

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PROGRESS OF EVENTS IN CANADA.

IN the second number of the ‘London Review,’ published in July, 1835, we laid before our readers a very full exposition of the misgovernment which has so long prevailed in the Canadas, and of the discontent which has been generated thereby.

After enumerating the manifold evils and abuses which have sprung out of the system of colonial government, established by what is called the Quebec Constitutional Act (31 Geo. III., c. 31—1791), our article concluded with the following summary of the reforms demanded by the Assembly of Lower Canada:—

‘In this situation of affairs, Lord Gosford and two Commissioners are about to proceed to Canada, to inquire into the grievances of the Canadian people, and report thereupon. What is likely to be the result of this inquiry?’

‘Our answer is, that let the commission make what report it pleases, one only result can follow; and that is, *the demands of the House of Assembly must be acceded to.*

‘1. An Elective Council must be granted to the people, and the present Legislative Council abolished.

‘2. The whole of the revenue must be placed entirely under the control of the people of Canada.

‘3. The Judges must be made responsible to the Provincial Legislature, and not to the King.’

The Commissioners above spoken of reached Canada in the autumn of the same year, 1835, and in the ensuing winter Sir John Colborne, the Governor of Upper Canada, who had rendered himself extremely obnoxious to the people of that province, was recalled, and his place was supplied by Sir Francis Head.

The object of this article is to detail the principal proceedings of these personages; and we think we shall show that they have not merely failed to allay, but that, aided by the disingenuous—we had almost said treacherous—instructions with which they were furnished by Lord Glenelg, they have materially augmented the discontents which existed at the time of their arrival.

Previous to the departure of Lord Gosford and his fellow Commissioners*, Mr. Roebuck, in his capacity of agent to the House of Assembly, laid before the colonial minister, Lord Glenelg, a full and explicit statement, in writing, of the views and demands of that House.

* The Commissioners were, Lord Gosford, Sir Charles Grey, and Sir George Gipps. Lord Gosford was also appointed Governor-in-Chief, in the place of Lord Aylmer, a Governor so bad, that any change must have been for the better.

This document, which has since been printed both in the colony and in this country *, is in every respect a most able state paper. The reforms demanded by the Assembly, especially the abolition of the present Legislative Council, and the substitution of an elective second chamber, are there insisted upon with great weight of argument, and Lord Glenelg is warned of the serious consequences which may result from refusing them.

The hope was at first entertained, and we may say encouraged, that the Commissioners had carried out powers to concede these reforms. Sir George Grey, it is true, excused himself from laying the instructions before Parliament, on the ground of respect to the Canadians, as such instructions should be first laid before the Assembly. That done, he promised they should be presented to the House.

When the Commissioners reached Canada, their talk was everywhere, and at all times, liberal in the extreme. Lord Gosford spoke of himself and his colleagues as the nominees of a reforming ministry, appointed for no other purpose than to carry out reforms. Of himself, individually, he spoke only as the friend of O'Connell. His previous conduct in Armagh had tended to produce an impression in his favour. His instructions he seldom alluded to without expressly asserting their liberality. 'I am convinced,' said his Lordship, in conversation with a leading member of the Assembly, a few days before the commencement of the session, 'I am convinced that my instructions will satisfy you when they are known. The day after to-morrow will be the great day of revelations; the whole country will then know as much as I know of the intentions of his Majesty. I shall speak all I know without reserve.' In consequence of this fair speaking, previous to the commencement of the session, Lord Gosford gained the good-will, if not the perfect confidence, of the members of the Assembly, and indeed of the mass of the people. He gained, also, the bitter hatred of the colonial Tories, whose journals abused him in terms of the utmost virulence, proving that they too had been deceived by his professions.

At length came the promised 'day of revelations'; but nothing of the kind expected from the Governor's professions was revealed. There was a speech from the throne; without it, the beautiful copy of the British Constitution which prevails in Canada would not have met with due observance. It was, however, wholly unsatisfactory to the Canadians. It was silent on all the topics they deemed most important. If Lord Gosford did 'speak all he

* See Mr. Roebuck's pamphlet, entitled 'Existing Difficulties in the Government of the Canadas' (being a reprint of the article which appeared in this Review, with additions). The document alluded to is to be found in the Appendix of the pamphlet.

knew,' it was clear he knew nothing. He said nothing of a change in the constitution of the Council. He said nothing of giving up the revenue to the Assembly—reforms which were the head and front of the popular demands. The consequence was, that the degree of hope—we cannot call it confidence—to which Lord Gosford's professions had given birth, was well nigh destroyed.

Still the good-will of the Members of Assembly towards the Governor was not as yet impaired. The Commission, the Assembly did not, in fact, could not, recognize; but, as Governor, Lord Gosford was treated with all possible respect.

The instructions being thus, notwithstanding the promise of Sir George Grey and the statements of Lord Gosford, withheld from the Colonial Legislature, it became the duty of Mr. Roebuck again to ask for them in his place in the House of Commons. This he did on the 16th of February. Sir George Grey, after acknowledging that 'the House of Assembly had shown they *were actuated by the most honest and ardent wish to promote the interests of the colony,*' urged upon Mr. Roebuck's consideration that, 'inasmuch as there was now a fair prospect of adjusting the differences between this country and Canada, he thought that, while negotiations were still pending, it would be extremely injudicious, and might lead to great inconvenience if the instructions given to the Commissioners were to be made public.' Hereupon Mr. Roebuck, being 'determined to let the ministry have a complete trial on this matter,' consented to withdraw his motion. At the very moment that Sir George Grey was thus expatiating on the 'great inconvenience,' the 'extreme injudiciousness' of permitting the instructions to be made public, they were in every one's hands in Canada, by means of a diplomatic blunder of Sir Francis Head.

The Legislature of Upper Canada was in session when Sir Francis reached the province in February. Accompanying his first message were extracts, giving nearly all the material part of the instructions to the Commissioners. It appeared that he had been permitted to communicate the substance of the Commissioners instructions with his own; but not having been long enough in the official ranks to have learned that *substance* in diplomatic language means *shadow*, he committed the irremediable blunder which we have described.

The dislike of Sir George Grey that the instructions should see the light, and his conviction that their publication would produce 'great inconvenience,' would be 'extremely injudicious,' were now fully explained on the face of the instructions themselves. In *substance* they amounted to a refusal of the demands of the Assembly, whilst there was some slight *shadow* of liberality in their

tone. Lord Gosford had confined himself to the latter; Sir Francis Head, as we have seen, blundered in the former.

The object of the Colonial Minister and the Governor in attempting to deceive the Assembly and people of Lower Canada, by dealing in fairer words than their real intentions justified, is obvious enough. The Assembly had refused supplies for some years, in order to enforce the reforms for which they contended, and it was thought that if the suspicions of the Assembly could be lulled, the Executive might possibly obtain a vote of money, perhaps even a permanent civil list, which would render the official party independent of the Assembly for an indefinite period. In this hope, however, they were deceived.

After the disclosure of the instructions, which dashed all the hopes previously entertained, the House of Assembly determined to refuse peremptorily all arrears. In order, however, to meet the Executive in a spirit of conciliation, and to show how unwilling they were to throw any unnecessary impediment in the way of the Governor, the Assembly voted a six months' supply, with the conditions they had previously insisted on. The principal condition was, that individuals holding more than one office should only draw the salary of one, namely, the most highly paid. This bill, however, not being palatable to the official party, was lost in that party's house—the Legislative Council.

This body, so ridiculously defended as the representative of the aristocratic principle, when it represents nothing but a few overbearing bureaucrats, now vented its rage by a wholesale rejection of the measures of the Assembly. All the Bills which the Assembly passed for the internal improvement of the country were rejected, except one; and that (a Bill to construct a rail-road between Lower Canada and New Brunswick) was reserved for the royal sanction by the Governor-in-Chief. The Elementary School Bill and other Education Bills were among those rejected by the Council. In consequence of this it became necessary to shut up no less than 1,665 schools, established under provincial Acts, thus depriving no less than 40,000 scholars of the means of instruction.

'The party of the Legislative Council,' says Mr. Roebuck, 'are usually uncommonly pathetic in their lamentations over the ignorance of the Canadian population. The true worth of their hypocritical whining is here made manifest. They talk of ignorance, and deprecate it, so long as such talk forwards, or seems to forward, their paltry purposes. They willingly do all they can to foster and continue ignorance, the moment that by so doing the same vile ends may be served.'—*Existing Difficulties*, p. 39.

The Six Months' Supply Bill (a measure worthy of occasional imitation in the Imperial Parliament) was carried on the 23d of

February, against a counter-proposal to vote arrears. When this result was made known, murmurs of applause were heard in the gallery and below the bar of the House, which were with difficulty checked. The people could not restrain their feelings.

From this time to the close of the session, the House was chiefly occupied in receiving reports from the standing committee on grievances (chiefly on the conduct of delinquent public-officers); in discussing a Bill for the reform of the Legislative Council, and lastly, in carrying an address to the King, and both Houses of Parliament, reiterating their grievances, and remonstrating against the conduct we have just detailed.

The official personages whose conduct was inquired into and condemned by a committee of the Assembly, and subsequently by the whole House, were Judges Gale, Thompson, and Fletcher; Sheriffs Gugy and Witcher, Mr. Felton, Commissioner of Crown Lands, and some others.

Judge Gale was appointed by Lord Aylmer for no other reason, it should seem, than that he was hateful to the popular party. He had been objected to on the ground of his having been a violent partisan of the obnoxious Lord Dalhousie, and the declared enemy of those laws which he was called to administer. The objection was abundantly sustained, and was pronounced to be valid by Mr. Spring Rice, who, when Colonial Minister, disallowed the appointment. Lord Aylmer disregarded Mr. Rice's instructions, and continued the man in his office, where, to the dis-honour of our colonial administration, he still remains.

Malversations in office have been brought home to Judge Fletcher; Judge Thompson has been proved to be an habitual and notorious drunkard; and yet these persons are still permitted to hold their offices*.

* We cannot avoid citing one case, to give the reader an idea of the kind of justice which is dispensed by judges who hold office during the pleasure of the Crown, that is, of the colonial executive:—

In December, 1835, a man perished of cold in the gaol of Montreal. The matter was investigated by the Assembly, and culpable neglect was proved against the Sheriff, Gugy, and his officer the jailor. An Address was accordingly voted, praying for their dismissal. This was not complied with; but the Attorney-General (another during-pleasure official) sent a bill of indictment for murder against the jailor, to the grand jury. This jury was nominated by Gugy, the sheriff, an implicated party, and of course the bill was not found.

The whole proceeding was regarded as a mockery of justice, and Lord Gosford's popularity was much damaged by it. But the most important part of the case is to come. A newspaper, called 'La Minerve,' called the jury a 'packed jury.' The jury took immediate cognizance of the libel, presented it to the Court as such, and the Attorney-General moved at once that a writ of attachment should issue against the printer, Duvernay; and for what, does the reader imagine?—for *contempt of Court!* The Court, without hearing evidence even to the fact of the publication, granted the attachment, and the printer gave bail. The next term the defendant was served with interrogatories. 'Are you proprietor of "La Minerve?"' 'Did you publish the article in question?' Duvernay, being on his oath, was obliged to an-

The case of Felton is one of peculiar atrocity. The evidence of his having defrauded the government—that is, the public—of some thousand acres of land, was made so clear, that the delinquent Commissioner could no longer be screened, and he was suspended from his office. Mr. Spring Rice, however, when Colonial Secretary, admitting the enormity of the offence of which Felton appeared to be guilty, actually directed the Governor to compromise the affair by requiring merely the payment of the value of the lands of which he had reason to believe the public were defrauded ! Of Felton's guilt there cannot be much doubt ; but whether guilty or innocent, suspension, except during the prosecution of an inquiry, must always be injustice. If he be guilty, suspension is no punishment for his crime ; dismissal from office, the refunding of his ill-gotten gains, and punishment, should have been at once enforced ; if, however, he be not guilty, suspension becomes an act of gross injustice to the individual. It is, in fact, a lazy expedient worthy only of a British Colonial Minister—an expedient which is nearly certain to end in impunity to the delinquent official, and injustice to the public, and, therefore, productive of disgust and discontent, to the suffering people of the colony.

All the above cases, including those of Sheriffs Gugy and Witcher, were such as to call for the immediate interference of the Colonial Office : yet they have been, and we have no doubt will continue to be, allowed to drag on until the evils of colonial misrule shall be carried beyond the endurance of the people—a consummation which we take to be rapidly approaching in both provinces.

The last legislative act of the Assembly was to embody their demand for an elective Legislative Council in the form of a Bill, which passed the House by a very large majority. A preliminary objection to this Bill by the official party was, that it proposed to repeal a portion of an imperial statute, which a provincial and subordinate legislature is not competent to do. But to alter the constitution which the Act created, by a law passed in the forms which the Act itself prescribes, is neither a repeal nor a violation of it. The Act in question has already been amended without the aid of the Imperial Parliament. The Act constituted a House of Assembly of fifty members ; in process of time parts of the country became thickly inhabited, which, when the Act first came into operation, were uninhabited wastes. A Bill, repealing so much of the Act as related to the Assembly and the division of the

swer 'Yes.' On this confession he was sentenced to thirty days' imprisonment, and to pay a fine of 20*l.* The judge remarked that the proceeding was one of peculiar mildness, for it was left to the defendant himself to say whether he was guilty or not ; from which, if it were not a mere clap-trap, nothing could have been inferred but that the man was punished because he would not perjure himself.

province, and making a new division, and adding to the number of members returned, was accordingly passed, first by the Assembly, next by the Council, subsequently received the Governor's assent, and is now part of the Canadian constitution. No objection was made to this local amendment at the time; why then should objections now be made to the principle? The answer is easy. In the former case the local oligarchy conceived themselves likely to be benefited; in the more recent case they see prospective ruin.

With the present Legislative Council the preliminary objection need scarcely have been raised, as they are not very likely to pass a Bill for their own destruction. Without their destruction, however, the pacification of Canada is impossible; and as the King has the prerogative of peer-making, under another name, there as well as here, the readiest and least troublesome way of rendering the Council elective would be to furnish the King's representative with a sufficient number of blank mandamus, to enable him to give a majority in the Council to the views of the Assembly and of the people at large. Thus might imperial legislation—always an evil where a local legislature exists—be avoided.

The alteration in the Legislative Council has been objected to on various pretexts, some of which are curious, as exhibiting the shifts to which the enemies of responsible colonial governments are occasionally driven. One of the Commissioners, in conversation with one of the liberal party, hinted that a strong objection to granting the reform in question was, that the majority demanding the change, though overwhelming, was composed chiefly of persons of French origin, whilst the minority opposed to the change consisted chiefly of persons of British origin. If the population had not been of mixed origin, said the Commissioner, there could be no objection to the proposed change. Well, then, was the reply—try the reform in Upper Canada, where it is prayed for by a large majority, all of British origin. And how, reader, do you think the Commissioner got out of this awkward dilemma? By replying, that although of one origin, the people were not so unanimous as in Lower Canada. Here are hard conditions of reform indeed—uniformity of origin and unanimity of opinion; the alternative being no other than to give complete effect to the will of a contemptible minority!

But if the question of an elective Council were left to the decision of the people of British origin alone, it would be carried in the affirmative by a large majority. The township-counties, inhabited entirely by persons of British origin, for the most part return members favourable to the elective principle; and in one of the counties for which opponents of the principle sit, they only prevailed over their adversaries by a small majority. Esti-

mating the whole population of British descent in Lower Canada at 150,000, the persons represented by members opposed to the wishes of the majority do not exceed 40,000—a miserable minority out of a population exceeding 600,000; yet it is to the will of this minority that the present system gives effect.

It is urged that an elective Council would weaken, and ultimately destroy, the connection between the colony and the mother country. We assert, that the maintenance of the present system will not merely ultimately, but even speedily, destroy that connection. The Council is the great cause of discontent. The chief complaint of the Canadians against the Imperial Government is, not that it is itself directly and immediately oppressive, but that it maintains and supports the Legislative Council. And well may this monstrous institution be offensive to the colony. There may be differences on the question, how much of the government of the colony should belong to the colony itself, and how much to the mother country?—but most people will allow that all the power ought to belong *either* to the mother country *or* to the colony. The colony exercises its powers through its representative body. The mother country exercises its powers through the Governor; and, by means of Parliament and the Colonial Office, can hold him responsible for whatever he does in the exercise of them. But here is a third power, co-equal with these two, and representing neither the mother country nor the colony, but a band of jobbing officials solely: not only frustrating the wishes of the colony, but superseding the authority of the mother country, since the Bills which embody the demands of the people, being rejected in the Upper House, never come regularly before the Governor or the Colonial Minister at all.

Mr. Roebuck, in his pamphlet, shows conclusively that an elective Council would tend more than any other measure to prevent a rupture between the colony and the mother country. We regret that we have not space to transfer to our columns the whole of his close and logical reasoning; but we cannot resist the temptation of presenting to the reader the concluding paragraph:—

‘If’ (says Mr. Roebuck) ‘the separation be to take place violently, it will be a matter of no moment, that it is opposed by the present Legislative Council. Rather, indeed, would such opposition aid any measure of separation. The decisions of the Council have no moral force with the people, while the House of Assembly completely represents the whole population. The Legislative Council represents no part of them. Whenever the time for violent separation may come, if come it must, the assent of the Council will neither be needed nor looked for. On the other hand, if the Council were elected, and represented either the whole or a portion of the people, then its co-operation would be looked for and would be needed. There is greater difficulty assuredly

in gaining the assent of two separate bodies to so dangerous a proceeding—one involving so awful a responsibility as a revolution—than in gaining that of one only. If the second Assembly were composed of older men, or of persons elected for a longer term, the difficulty would be materially increased. In no way could the breach between the mother country and the colonies be hindered by the existing Council, while in many and important ways it might be delayed by an elective one. The true friends, therefore, of English dominion, ought to desire the change now so eagerly demanded by the Canadians themselves.'—*Existing Difficulties*, p. 52.

The last measure of the Assembly—their address to the King and the two Houses of Parliament—was passed by a majority of 55 to 7, on the 26th of February of the present year. In it the Assembly dwell upon the expectations which had been raised by the conduct of the Governor, and the disappointment caused by the disclosure of the instructions to the Commissioners: after which, in the most temperate, yet in the firmest language, they reiterate their previous demand for—

1st. An elective Council.

2d. The repeal of the Tenures' Act, and the Act creating the British-American Land Company.

3d. Complete Parliamentary control over the whole of the lands belonging to the colony.

4th. Complete control over revenue and expenditure.

The address also contains an explicit declaration, that the redress of grievances must *precede* any permanent appropriation of money.

The firmness of the House of Assembly has since been put to another test, and they have sustained it most nobly.

On the 22d of September the Assembly was called together to receive Lord Glenelg's answer to their address. The answer was only a reiteration of the instructions—the demands of the Assembly being once more refused. Upon this the Assembly addressed the Governor, repeating the determination they came to at the close of the session of 1835-6: namely, that the redress of grievances must *precede* a vote of supplies. This address was carried, in committee, by majorities varying from 58 to 6, and 54 to 9; the majority also threatening to retire to their homes, and to leave no quorum. The House was dismissed, after a session of about a fortnight.

We must now turn to the sister province of Upper Canada, in order to show the progress of discontent under Sir Francis Head.

Sir Francis, like Lord Gosford, began with liberal professions; but after his first blunder he was not slow to embroil himself with the House of Assembly. One of his first acts had been to call to the Executive Council (a species of privy council, one of the duties of which is to advise the Governor) several very popular men. This helped to confirm the impression which his professions

had generated—namely, that he was appointed to carry into effect those reforms for which the Assembly had prayed. Not long after, however, on the Council's making an attempt to exercise what had always been deemed the function of that body—namely, to advise the Governor—Sir Francis turned round upon them, and told them, that he being responsible, and not they, he should not for the future consult them. Hereupon the members of the Council resigned in a body.

If the matter had stopped here there would at least have been no inconsistency in the proceeding. But no sooner had the persons who enjoyed the confidence of the people resigned than the Governor called to his Executive Council a new set of men, nearly all of whom were of the Ultra Tory party, and moreover extremely obnoxious to the people. This at once destroyed all confidence in Sir Francis Head's professions of reform, and loud expressions of dissatisfaction poured in from all quarters. The House of Assembly, the Mayor and Corporation, the citizens of Toronto, the Alliance (an extensive reform society), all carried addresses to the Governor, remonstrating in the strongest terms against the course he had pursued, and declaring their want of confidence in the men he had chosen. In his replies he merely adhered with the most pertinacious obstinacy to his first point, declaring that an Executive Council, as it had been understood, was no part of the constitution ; that he alone was responsible ; and that therefore he alone would hold the power. If this be really Sir Francis Head's opinion, why appoint a Council at all ? To appoint a Tory Council was an uncalled-for insult to the people.

In his answer to the address of the citizens of Toronto, Sir Francis Head commenced by stating, that as he presumed several among those who addressed him were of the industrious classes, he should adapt his language to their capacity, and speak in the plainest manner of which he was capable. Now, under any circumstances, this would have evinced great want of tact. If it was Sir Francis's opinion that other than plain language would have been unsuited to those whom he addressed, he was quite right in adopting ‘plain language ;’ but to tell them that he should do so was in the highest degree injudicious. It turned out, however, that Sir Francis Head's condescension was quite out of place. The ‘industrious’ citizens treated Sir Francis with a rejoinder, which must have interfered considerably with his self-complacency. They tell him, that being sensible of the importance of knowledge, they have, ‘by their own efforts and at their own expense, so far successfully laboured, as to be able to appreciate *good writing* and *fair reasoning*.’ They then, ‘lest his Excellency should doubt their sufficient apprehension of the mat-

ter,' proceed to expose both Sir Francis's writing and reasoning in the most perfect manner conceivable. They show that neither in 'good writing' nor 'in fair reasoning' was the pompous and foolish Governor a match for them.

From this time forward but little harmony existed between the Governor and the House of Assembly; and an occurrence which came to light, in the highest degree discreditable to Sir Francis Head, almost put a stop to all communication between them. The facts are these:—

In some way or other the Assembly got an intimation that some agreement had been entered into between the Council and Sir Francis Head, to the effect that, in case of his demise or absence, the government should devolve on a particular member of the Council in preference to the rest. The House accordingly addressed the Governor to know whether such bond or agreement had been entered into. To this address Sir Francis replied—

'I have entered into no bond or agreement of any sort with my present Executive Council, and I do not possess, nor does there exist in Council, any document of such a nature between two or more of the said Council.'

The matter, however, was referred to a committee of the Assembly; and before this committee the two executive councillors, supposed to be parties to the paper in question, were examined. They were compelled to state that there was such a paper or agreement (they would not call it a bond, because it was not in legal form); and *that it was drawn up by the Governor himself*. Hereupon the committee reports:—

'The Honourable R. B. Sullivan, the Presiding Member of the Executive Council, and the Honourable Captain Baldwin, informed the committee, as will appear by the minutes of their evidence, marked and hereunto appended, that a paper had been signed, whereby Mr. Sullivan declared his intention, in the event of his Excellency's death, not to administer the government, although by the royal instructions in such a case, the administration would devolve on him as presiding councillor; but to resign his office, in order to avoid the administration of the government, and *that this paper was not only in existence, but was drawn up by his Excellency himself*, in the Council Chamber, and delivered to Mr. Allen, the next senior member, in the presence of his Excellency and the whole council.'

The committee then adds, with a dignified delicacy of language:—

'The respect which your Committee feel for his Excellency's high office forbids their dwelling upon the mortifying subject of the contradiction between his Excellency's answer and those gentlemen's testimony; and they will only say, that it must of course destroy all confidence in future in his Excellency's assertions.' * * *

In a despatch to Lord Glenelg, dated 21st April, 1836, Sir

Francis Head attempts to explain the matter, but his explanation is a tissue of miserable quibbles. He does not deny the fact, but contends that the document was not ‘of the nature applied for :’ and concludes by saying ‘ I denied no such thing ; but— reader, pray thee mark the *but*—‘stated that I entered into no bond or agreement.’ What is this but a denial ?

From this time forward Sir Francis Head’s language and conduct were characteristic rather of a madman than of a person in sane mind. He threw himself completely into the arms of the Tories, forgot all his previous professions of reform, and indulged in the most offensive language towards the reformers, whom he designated as revolutionists, rebels, &c. &c.

The Assembly, in the mean time, got through their business with all possible dispatch ; and to mark their sense of Sir Francis Head’s conduct, they refused supplies. Hereupon the Governor did in Upper Canada what the Council did in Lower Canada—he withheld the royal assent from all the Appropriation Bills which had been passed by the two Houses. He afterwards thought proper to attribute to the rejection of the Supply Bill, amounting to only about 7000*l.*, the whole of the distress and inconvenience which arose from the loss of all the money Bills.

At the end of May the Governor dissolved the House of Assembly. The new elections took place at the end of June and the beginning of July ; the result was, that a House, consisting of forty or forty-one Tories and twenty Reformers, was substituted for a House containing forty Reformers to twenty Tories. This extraordinary result astonished the whole country. How it was brought about we shall briefly explain.

In Upper Canada the Executive possesses extraordinary means of corruption. In the first place, the Governor has at his disposal an almost infinite number of small places—the tenure of which is ‘during pleasure’—all over the country. These innumerable petty offices not merely enable the Governor to command the votes of the incumbents and their families, but render subservient to the will of the Executive all those (including that numerous class, ‘fathers of families’) who view office with a longing eye. It is fearful to contemplate the extent of demoralization in Upper Canada arising from this single cause. One single office may stand as the bait for a dozen hungry expectants, and were it not for the existence of a numerous and independent yeomanry, it would be difficult to say where the evil would end.

The next source of political corruption is the system of disposing of waste lands, for a price payable by instalments. The Land Company and other large landholders are in the habit of selling lands at a price payable in four or five annual instalments. The industrious settler, ever eager to possess land, no sooner saves

enough money to pay an instalment than he purchases a lot. In a majority of cases the purchasers fall behind-hand with the second or third instalment, when their independence is for the present destroyed. The agents of the Land Company are members of the colonial oligarchy, so that we may be sure they are not slow to profit, for political purposes, by the fears of these dependent debtors. Any actual exertion of their ultimate power is seldom, perhaps never, necessary.

Another fruitful source of corruption is the power of the Governor so to regulate the disposal of waste lands as to create votes; by creating small freeholds. This power Sir Francis Head is stated to have employed to an enormous extent, and the statement is supported by an abundance of evidence.

When a settler acquires land of the Crown in Canada he receives what is called a location-ticket. This empowers him to go upon the lot of land; but before he can obtain a good title, it is incumbent upon him to perform what are called the settlement-duties, which consist of clearing a certain small portion, and erecting a log-house. The Assembly decided that the possession of a location-ticket did not confer a vote, and so it was held till lately. Votes however have, at the present election, been recorded on this qualification, and as the Assembly is the tribunal of decision, it is not likely a Tory Assembly will decide the point against the Executive. It is stated, and the statement is supported by much evidence, that at least 5000 votes have been created on small, chiefly quarter-acre, lots. Now it is more than probable that 1200 or 1500 would have been quite sufficient, aided by other expedients, to turn the elections in Sir Francis Head's favour.

The former House, as we have stated, had forty Reformers; the present contains only twenty. Each county returns two members, so that it would only be necessary to overwhelm ten counties with these new-made voters, and the object would be attained. The average number of voters in each county does not certainly reach 1000, and perhaps not 800; hence 150, or even 100 obedient Tory votes, added to the constituency of each of ten counties (making 1500, or even 1000 on the whole), would be adequate to the effect. Now it is currently stated in Upper Canada, that 5000—a number probably exaggerated—of such votes were made: and yet this is called a re-action!

Several minor, but almost equally unjustifiable expedients were resorted to. The polling-places were arbitrarily fixed in parts of the counties likely to be most convenient to the Tory candidates. The day of election, for places where a Tory return was tolerably certain, was fixed several days in advance of the other elections, in order that such returns might depress the Liberals, and encou-

rage and stimulate the Tories. In addition to all this, Sir Francis went about the country playing the part of an agitator; receiving addresses, and answering them in the most highly-wrought and inflammatory language.

Now the evil which is to be dreaded from the results thus generated is, that Ministers will, in their future conduct towards Upper Canada, act as though there really had been a re-action of opinion in that province. If they do act on such a fallacious assumption, they will commit a grievous and irreparable error. The tone of the people at their public meetings—the extensive organization of reform societies—the constant discussion of the question of national independence—all utterly preclude the idea of re-action. A large majority of the people of Upper Canada sympathize with their Lower Canadian brethren in their desire for a responsible government; and any neglect or indignity, any denial of justice, or infliction of injustice on the one province, will be resented by both.

Although the people of Upper Canada are now, through the press and otherwise, freely discussing the means of establishing their independence, neither they nor their brethren of Lower Canada desire independence *as an end*, but merely *as a means*, to good government. Give them a responsible government—that is, responsible to themselves—and we shall not hear of independence for many years to come. Deny what they ask, and who will venture to predict the result?

Under the supposition of a struggle, the people of both the Canadas have not neglected to examine their means and position. The public lands have been passed in review as an adequate inducement to the riflemen of Ohio, Kentucky, and Michigan, to engage in their cause. They expect no assistance from the American government; but they feel sure of it from the American people. The great jealousy between the northern and the southern parts of the American Union would also operate favourably to the Canadians. The province of Texas is very likely to become another state of the Union. Should that be the case, the non-slave-holding states will desire an addition, to preserve their present proportion of power. Should the Canadas at that moment step in, and ask admission into the Union, who can doubt what would be the reply?

Let us earnestly hope that the Government will not force upon the Canadians the alternative of misgovernment or independence, Good government they assuredly will have; by what means, depends wholly on the Ministry and the Parliament.

H. S. C.

C A N A D A.

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MDCCCXXXVIII.

C A N A D A.

CIVIL war has at length been forced upon the unhappy people of Lower Canada. This result might have been foreseen, and indeed was foreseen, as being certain to flow from Lord John Russell's tyrannical resolutions.

The people of Canada complained of grievances; in order to obtain their removal, the Canadian House of Commons refused supplies, commissioners were then sent out to report upon those grievances; they did report that the complaints of the Canadians were just. Instead of remedying them however, Lord John Russell robs the Exchequer.

What was the conduct of the people in this painful emergency? Did they at once take up arms and resist this atrocious violation of their rights? No. They determined on another course, namely, *passive resistance*. County meetings were held in all parts of the country. At these meetings resolutions were passed denouncing the

"atrocious resolutions," and determining to destroy the revenue by consuming no duty-paying articles, and by encouraging the smuggler.

All the meetings were attended by the county magistrates, who thereupon were dismissed by Lord Gosford. This aroused the people still further—they declared it to be disgraceful to hold a commission under the executive, and those who had not been honoured by dismissal, resigned. The people at length elected a magistracy of their own.

By the early part of November the excitement throughout the country had become very great, and an outrage which occurred in Montreal increased it still further. On the evening of the 6th of November, a Tory mob turned out, made an attack upon the principal liberal newspaper, and destroyed the office. Magistrates—partizan magistrates, were present, and refused to protect the property though requested to do so.

The troops had been called out on a previous disturbance, and were so stationed, that the slightest interference might have saved the property. Had friends however, interfered, the impression was that they would have been fired on. Had the paper been one belonging to the dominant faction, the assailants would have been slaughtered.

A week after this plunder some arrests of patriots were made, on some vague charges of sedition; and it was allowed to be whispered that warrants were out to arrest others, including M. Papineau. Feeling that they had no justice to expect from partisan judges and a packed jury, the threatened parties withdrew from Montreal. To drive them to do this in order to identify them with the expected outbreaks was evidently the intention of the government; else, why were they not arrested at once without suffering the intention to be whispered abroad? There is in short evidence of design, from the proposal of Lord John Russell's resolutions, to the spilling of blood at St Charles.

Soon after these arrests the civil war commenced. A party of cavalry was sent to arrest some persons at St John's, 18 miles from Montreal. The arrests were made, but on returning towards Montreal the cavalry (amateurs) were fired at, and they fled, leaving their prisoners.

It was now understood that the Patriots in considerable force

had occupied St Charles and St Denis, two villages nine miles apart, on the river Richelieu or Chambly (it is known by both names), about 30 miles south-east of Montreal. Hereupon a military force, about 280 strong, under Colonel Gore, was dispatched from Quebec, with directions to drive the Patriots from St Denis; which accomplished, he was to join Colonel Wetherall, with a force of between 400 and 500, to annihilate the Patriots at St Charles. Colonel Gore accordingly marched upon St Denis: there he was met boldly by the Patriots, and fairly beaten back, with the loss of a gun, abandoned in the retreat. Mind—his object was to march through St Denis to join Colonel Wetherall in the attack upon St Charles, nine miles further. *In this he failed.*

In the meantime Colonel Wetherall left Chambly still higher up the river, and on the night of the 25th of November attacked and burned a part of St Charles. The accounts of this affair are very conflicting. The Tory papers of Montreal, exultingly reported the "slaughter of the rebels as great." The papers of the neighbouring state of Vermont say that the troops were afterwards beaten—for the present, however, we must take the Colonel's own despatch. He "counted fifty-six bodies, and many more were killed in the buildings, and their bodies burned."

What did this gallant Colonel then do? did he do what

Gore had failed in doing—did he advance on St Denis, and put the insurgents *hors de combat*? No: learning “that a considerable body of men had assembled at Point Oliviere, for the purpose of cutting off his *retreat* (what a word for a successful commanding officer!) from St Charles, he resolved on attacking them in preference to marching on St Denis.”

Thus then, read the despatches which way we may, we can only see *failure*. Blood has been shed *unprofitably*. But the Patriots remain undislodged from the country they occupy.

At the latest accounts Weatherall had continued his *retreat*—this word, mind is *his own*, not *ours*—to Montreal, and Gore had been sent down the river, probably as a blind, with the intention of landing at the lower end of the Island of Mon-

treal, and proceeding to St Benoit or Grand Brûlé, in the county of Two Mountains, north-west of Montreal, where there are said to be some thousands of men in arms.

In short, Lower Canada is armed. She has been goaded to resistance under the foolish impression, made by a man who ought to have known better, “that the Canadians will not fight.” They *have* fought, and with determined bravery. They will again fight, and, we believe, will not be put down. If ministers were bold enough to pursue the dictates of common sense, we believe it is not too late to stop *bloodshed by conciliation*. Lord Melbourne is a clear-seeing man on some occasions. Let him take the matter out of Lord John Russell’s hands, and disgrace and dis-honour may yet be averted.







